



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/683,600 | 01/24/2002 | Scott C. Harris | Connect-Net | 6414 |

23844 7590 07/26/2007
SCOTT C HARRIS
P O BOX 927649
SAN DIEGO, CA 92192

| |
|----------|
| EXAMINER |
|----------|

JACKSON, BLANE J

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2618

| | |
|-----------|---------------|
| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

07/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/683,600

Applicant(s)

HARRIS, SCOTT C.

Examiner

Blane J. Jackson

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-15 and 17-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-15 and 17-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 11 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Claim 11 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in a telephone interview with the applicant's representative on 11 July 2007 based on the following:

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claim 11, drawn to preventing a plurality of telephones from ringing if the recognized name is not on a predetermined list otherwise allowing the plurality of telephones to ring, classified in class 379, subclass 106.09.
- II. Claim 13-15 and 17-25, drawn to a computer having a connection to a remote part using a protocol which does not require a dedicated wire connection, the connection operative to allow voice data to be received, to recognize the voice data to produce voice recognition information that is based on the voice data, classified in class 379, subclass 88.02 or class 455, subclass 563.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different

product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case the product as claimed can be used in a materially different process.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 13-15, 17 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Perro et al. (US 2002/0152202).

As to claims 13 and 24, Perro teaches a telephone system comprising:

A first electronically operated device receiving a voice to be recognized (paragraphs 0046 and 0047, a telephone or cellular phone to initiate a voice query for a voice query application),

Art Unit: 2618

A second computer, including automatic voice recognition capability (paragraph 0047, voice recognition software residing on a server to interpret the voice query),

A network connection between the first electronically operated device and the second computer (paragraph 0047, LAN, WAN or wireless based connection),

Wherein the first electronically operated device operates to receive the voice to be recognized, send information indicative of said voice to be recognized to the second computer and receive recognition information indicative of the voice to be recognized from the second computer (paragraphs 0046, 0047 and 0104, the server receives the voice query and prepares the data to be submitted to a search engine or database application where the results are returned to the client telephone).

As to claim 14, Perro teaches a system as in claim 13 wherein the first electronically operated device is included within a portable telephone (paragraph 0046).

As to claim 15, Perro teaches a system as in claim 13 wherein the first electronically operated device is included within a person digital assistant (paragraphs 0048 and 0049).

As to claim 17 with respect to claim 13, Perro teaches the network connection is a wireless connection (paragraphs 0047-0049, LAN, WAN or wireless based connection).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perro et al. (US 2002/0152202) in view of Edson (US 6,526,581).

As to claim 18, Perro teaches a system as in claim 13 wherein the network connection is a LAN but is silent as to a connection over an existing telephone line.

Edson teaches a multi-service in-home local area network using existing in-home wiring/ networks and a gateway, the gateway to provide interfaces between internal and external communications media, control access between internal and external communications and control certain specialized features or applications available on the network, figure 1, column 5, lines. Edson teaches the gateway connects to one or more internal digital networks that may be wireless or utilize the existing wiring systems provided for power and the twisted wire pair for telephone service, column 7, line 10 to column 8, line 52.

It would have been obvious to one of ordinary skill in the art at the time of the invention to recognize the local area network of Perro may be implemented with the in-home wiring systems as taught by Edson to provide the home owner with high speed digital local area network that is easy to implement utilizing existing home wiring.

Claims 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edson (US 6,526,581) in view of Perro et al. (US 2002/0152202).

As to claim 19, Edson teaches a system comprising:

A first electronic device having a microphone and capable of communication sound received by the microphone (figures 1 and 4, column 8, lines 12-37, POTS telephone connected to an HPNA interface),

A computer remote from said a first electronic device (figures 1 and 2, column 5, lines 45 to column 6, line 46 and column 9, lines 8-33, gateway (13) will also execute specific application for certain services, the personal computer (43) or a server in the public network or Internet),

The first electronic device and the computer having connection capability parts that allow forming a connection between the first electronic device and the computer, the connection using a protocol which does not require a dedicated wire connection between the first electronic device and the computer, the connection operative to allow data received from the microphone to be sent from the first electronic device to the computer for processing said data (figures 1 and 4, column 7, line 10 to column 8, line 51 and column 13, lines 18-63, within the LAN, the gateway (13) connects to telephone (32) with an HPNA standard interface protocol for digital communication over the existing home twisted wire pair (21) for an analog or digital IP-telephony through to the Internet).

Edson does not teach the connection to produce processed information that is based on said data and to return said processed information from the computer to said

Art Unit: 2618

a first electronic device wherein the data is spoken voice requests, the computer recognizes the spoken voice and returns recognition information indicative of the spoken voice to the first electronic device.

Perro teaches an information retrieval system comprising a client telephone or cellular telephone will initiate voice queries to a server through communications connection such as a LAN, WAN or wireless based connection, paragraphs 0046-0047. Perro discloses when initiating voice queries, voice recognition software residing on the server interprets the voice query and sends a text message to a natural language processing (NLP) application that operates to properly prepare the data that will ultimately be submitted to a search engine or database application, the answer or result of the query returned to the client telephone, paragraphs 0047-0049 and 0104.

Since Edson teaches the gateway controls certain specialized features or application available on the local area network as well as access to a wide area network such as the Internet, column 5, lines 37-57 and column 15, lines 49-61, it would have been obvious to one of ordinary skill in the art at the time of the invention to recognize the local area network of Edson capable of supporting the voice recognition application supported by the LAN of Perro to support user queries to a server on the Internet or even to a large drive/server on the local area network.

As to claims 20 and 21, Edson teaches a system as in claim 19 wherein the connection capability parts include parts that allow making a Bluetooth connection (figure 2, column 7, lines 10-15 and column 15, lines 49-66, the internal type media or

Art Unit: 2618

connection utilizes the existing wiring systems provided in the home as well as a wireless protocol where in addition to the user devices of figure 1, a personal digital assistant can communicate via the network which are commonly known to one skilled in the art to use the Bluetooth wireless protocol for the connection).

As to claim 22, Edson teaches the system as in claim 19 wherein the computer includes a telephone associated therewith (figure 1, column 7, lines 10-57, in the case of the gateway (3) identified as the computer, the gateway connected to a number of telephone function devices via the home network).

As to claim 23, Edson teaches the system as in claim 22 further comprising a plurality of telephones and the computer commands only certain ones of the telephones to be commanded to communicate based on applied information (figures 1, 3 and 4, column 11, lines 41-65, the individual specific device interfaces to the network include a media access control (MAC) function to determine when the particular device gains access to the media; controls the address related functions of each device. The interface to an analog telephone will emulate POTS telephone line signaling such as generating signals to ring the individual telephone in response to an incoming call, column 13, lines 18-45).

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perro et al. (US 2002/0152202).

Art Unit: 2618

As to claim 25 with respect to claim 24, Perro teaches the client telephone will initiate communication to a server through a communications connection such as LAN, WAN or wireless based connection, paragraph 0047, but does not specifically teach the wireless connection the connection is Bluetooth. However, Perro also teaches the client application is a person digital assistant (PDA), paragraph 0048, which is well known in the art to utilize the Bluetooth protocol to make short range wireless connection to a local area network. Consequently, it would have been obvious to one skilled in the art at the time of the invention to realize the PDA of Perro to comprise a Bluetooth part to establish a wireless connection via a local area network.

Conclusion

The prior art made of record and not relied upon but considered pertinent to applicant's disclosure includes Pai et al. (US 6,711,138).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J. Jackson whose telephone number is (571) 272-7890. The examiner can normally be reached on Monday through Thursday, 7:30 AM-6:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2618

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Robert J. Johnson". The signature is fluid and cursive, with the first name "Robert" and last name "Johnson" clearly distinguishable.